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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on December 10, 2003 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number **ET582748122US**, addressed to: Mail Stop Patent Applications, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Docket No.:

CALIP001D1/P041D

First Named Inventor: WALTER

17497 U.S. PTO
10/732968
121003

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UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))
(Continuation, Divisional or Continuation-in-part application)

Mail Stop Patent Applications
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:
Tony WALTER, Dan BLUMENTHAL, John E. BOWERS, Peter HUNT,
Roger J. HELKEY, and Zuezhe ZHENG

For: **WAVELENGTH POWER EQUALIZATION BY ATTENUATION IN AN OPTICAL SWITCH**

Assigned to : Calient Networks

This application is a ☐ Continuation ☒ Divisional ☐ Continuation-in-part
of prior Application No.: 09/855,765, from which priority under 35 U.S.C. §120 is claimed.

The specification has been amended to claim priority from the parent application, or such amendment is included in a separate sheet.

Application Elements:

- ☒ **33** Pages of Specification, Claims and Abstract
- ☒ **10** Sheets of Formal Drawings
- ☒ **03** Pages of Combined Declaration and Power of Attorney
 - ☐ Newly executed
 - ☒ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).
The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- ☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

- ☐ Do not publish this application. Nonpublication Request is attached.
- ☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
- ☐ Power of Attorney
- ☐ 37 CFR 3.73(b) Statement by Assignee
- ☒ Information Disclosure Statement with Form PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)
- ☒ Return Receipt Postcard
- ☐ Other:

Claim For Foreign Priority

- ☐ Priority of Application No. filed on is claimed under 35 U.S.C. § 119.
- ☐ The certified copy has been filed in prior application U.S. Application No.
- ☐ The certified copy will follow.

Extension of Time for Prior Pending Application

- ☐ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Fee Calculation (37 CFR § 1.16)

- ☐ Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	15	MINUS	20	= 0	x 18 =	\$-0-
INDEP.	5	MINUS	3	= 2	x 86 =	\$172.00
[] First presentation of multiple dependent claim					\$290 =	
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$770 =	\$770.00
TOTAL						\$942.00
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						

☒ Check No. 2410 in the amount of \$942.00 is enclosed in payment of filing fee and extra claims.

☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-0388 (Order No. CALIP001D1).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 50-0388 (Order No. CALIP001D1).

☒ Please send correspondence to the following address:

Customer Number 022434

022434

Date: December 10, 2003



Francis T. Kalinski II
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